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-and-
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Attorneys for Defendant
Reinauer Transportation Companies, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----X
City of Boston,

Civil Action No.:
03-12415 (RWZ)

Plaintiff,

-against-

Reinauer Transportation Companies,
LLC,
Defendant.

-----X

MEMORANDUM OF REASONS AND LAW IN SUPPORT OF
DEFENDANT'S MOTION TO COMPEL RESPONSES TO
INTERROGATORIES AND NOTICE TO PRODUCE

Gino A. Zonghetti
Of Counsel

INTRODUCTION

Defendant Reinauer Transportation Companies, LLC moves pursuant to Federal Rule of Civil Procedure 37 and Local Rule 7.1 for an order compelling plaintiff City of Boston in this maritime bridge damage case to respond to interrogatories and a notice to produce served by defendant on March 28, 2005. Plaintiff has not objected to said interrogatories or notice to produce, and its time to answer has expired. It is respectfully submitted that an order compelling plaintiff to respond is appropriate.

ARGUMENT

Fed.R.Civ.P. 33(b)(1)-(3) requires interrogatories served upon a party to be answered in writing and under oath "within 30 days after the service of the interrogatories. Fed.R.Civ.P. 34 (b) requires a party respond to a request for the production of documents within 30 days after service. Fed.R.Civ.P. 37 (a)(2)(B) provides that a party may move for an order compelling discovery upon another party's failure to answer an interrogatory under Rule 33 or respond to a request under Rule 34.

In the instant case, plaintiff has failed to respond to defendant's interrogatories and notice to produce. Plaintiff has not interposed objections to either. The parties have conferred in good faith but plaintiff has continued in its failure to respond to the discovery served. It is respectfully submitted that an order compelling complete responses to both is appropriate under the circumstances.

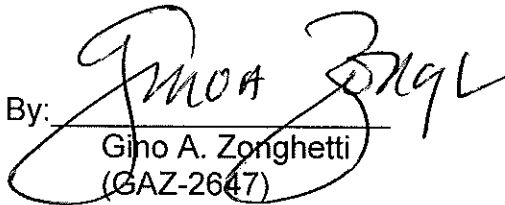
CONCLUSION

It is respectfully requested that an order be entered pursuant to Fed.R.Civ.P. 37 compelling plaintiff to respond to defendant's interrogatories and notice to produce by a date certain to be set by the Court.

Dated: September 15, 2005

Kenny, Stearns & Zonghetti
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Reinauer Transportation
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By:



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